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REMARKS

Claims 1-24 were previously pending in this application. Claims 1 and 19 have been amended. No new claims have been added. As a result claims 1-24 are pending for examination with claims 1, 2, 7, 12, 16, 18, and 19 being independent claims. No new matter has been added.

Applicants would like to thank Examiner Lockett for her courtesies during a telephone interview with Applicant's undersigned attorney on February 20, 2004. The claim rejections raised in the Office Action were discussed. In particular, general agreement regarding claims 1 and 19 was reached. The Examiner indicated that with the below clarifying amendments, claims 1 and 19 would be allowable.

Allowable Subject Matter

Applicants acknowledge the Examiner's finding that claims 2-4, 7-11, 12, and 14-18 would be allowable if rewritten in independent form to include all of the limitations of their respective base claims and any intervening claims. However, as discussed during the telephone interview, Applicants previously rewrote claims 2, 7, 12, 16 and 18 in independent form, and claims 3, 4, 8-11, 14, 15 and 17 depend from these claims. Accordingly, claims 2, 3, 4, 7-12, and 16-18 are allowable in their present form. Claims 14-15 have not been rewritten since they depend from claims believed to be allowable, as discussed below.

Claim Rejections – 35 U.S.C. § 102(a)

In the Office Action, claims 1-5, 6, 13, and 19-24 are rejected under 35 U.S.C. §102(a) as being anticipated by Combust (U.S. Patent No. 5,062,542). As discussed below, Applicant has amended independent claims 1 and 19 to clearly distinguish Combust.

Independent claim 1 is directed towards a universal surface mounted loudspeaker comprising, *inter alia*, an enclosure in which the loudspeaker components are mounted, and a bracket sized to fit substantially flush in a corresponding recess formed in a rear portion of the enclosure. As amended, the *recess is sized and shaped to receive the bracket directly* and the bracket has features to facilitate attachment of the bracket to at least one surface.

Combust discloses a mounting device for mounting a speaker enclosure at an elevated position at the intersection of two walls. As shown in Figs. 1-2, the mounting device includes a

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bracket 26 with first and second corner-facing surfaces 38, 40; first and second wall-facing surfaces 42, 44; and a speaker-facing surface 46. The device includes upper and lower fasteners 30, 34 inserted through holes 94 located in both an upper and a lower mounting plate 28, 32. The upper and lower fasteners are secured to the mounting plates with sleeves 96, 98 which are placed on the opposite side of the mounting plates and threaded to the fasteners. The sleeve then fits into a corresponding hole on the rear portion 70 of the speaker enclosure to attach the mounting device to the speaker enclosure 12. Thus, the Combest mounting device fastens the bracket to the speaker enclosure with the use of fasteners. As discussed during the telephone interview, there is no recess formed in the rear portion of the speaker enclosure sized and shaped to receive the bracket directly as recited in amended claim 1.

In the Office Action, the Examiner contends that Fig. 2 in Combest shows a recess formed in the rear portion of the enclosure. However, even were one to assume that Combest does disclose a recess in the rear portion of the speaker enclosure, Combest does not disclose a recess formed in the rear portion of the speaker enclosure sized and shaped to receive the bracket directly as recited in amended claim 1. Thus, claim 1 patentably distinguishes over Combest, such that the rejection under §102 should be withdrawn.

Claims 5, 6 and 13 depend from claim 1 and are patentable for at least the same reasons.

Independent claim 19 is directed towards a bracket for use with a surface mounted loudspeaker having an enclosure with a recess formed in a rear portion. As amended, *the recess is sized and shaped to receive the bracket directly*, and the bracket is sized to fit substantially flush in the recess.

As discussed above, the Combest mounting device does not disclose a recess formed in the rear portion of the enclosure sized and shaped to receive the bracket directly as recited in amended claim 19. Thus, claim 19 patentably distinguishes over Combest, such that the rejection under §102 should be withdrawn.

Claims 20-24 depend from claim 19 and are patentable for at least the same reasons.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner

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believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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